

Applicant : Virginia Cornish  
Serial No.: 10/056,874  
Filed: January 24, 2002  
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Remarks

Claims 1, 5, 15-22, 30-40, and 55-56 are pending in the subject application.

By this Amendment, applicant has amended the specification to include two tables inadvertently omitted from the original specification. Support for these two tables may be found on pages 39 to 40 of the parent application of the subject application, i.e. in U.S. Serial No. 09/768,474. As noted on page 1, lines 6-8 of the subject specification, the subject application is a continuation-in-part of U.S. Serial No. 09/768,474, filed January 24, 2001, the contents of which are incorporated by reference. Applicant has also amended the subject specification to recite sequence identifier numbers. Applicant maintains that these amendments to the specification raise no issue of new matter and respectfully request that these amendments be entered.

In the July 21, 2005 Communication, the Examiner alleged that the subject application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. 1.821(a)(1) and (a)(2). Specifically, the Examiner alleged that Tables 1 and 2 on pages 51 and 52 contain entries with more than 4 amino acids (e.g., -GSGGSG-). In addition, the Examiner requested that applicant re-check the entire specification for compliance.

In response, applicant submits a paper Sequence Listing attached hereto as **Exhibit B** in compliance with the requirements of §§1.821-1.825. Applicant has also amended the subject application to include the appropriate sequence identifier where needed. In addition, applicant submits herewith an electronic copy of the Sequence Listing on the enclosed computer diskette. Moreover,

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applicant submits as **Exhibit C** a Statement In Accordance With 37 C.F.R. §§1.821(f) and 1.821(g) certifying that the computer readable form and paper copy are the same and that no new matter has been added.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorneys invites the Examiner to telephone them at the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

Gary J. Gershik

John P. White  
Registration No. 28,678  
Gary J. Gershik  
Registration No. 39,992  
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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Gary J. Gershik 8/19/05  
John P. White  
Reg. No. 28,678  
Gary J. Gershik  
Reg. No. 39,992

**Exhibit A**

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# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,874	01/24/2002	Virginia W. Cornish	63711-A/JPW/GJG	3162
7590	07/21/2005		EXAMINER	
John P. White Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036			EPPERSON, JON D	
			ART UNIT	PAPER NUMBER
			1639	

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice to Comply</b>	Application No. 10/056,874	Applicant(s) Cornish, V. W.	
	Examiner Jon D. Epperson	Art Unit 1639	
<b>NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES</b>			
<p>Applicant must file the items indicated below within the time period set by the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).</p> <p>The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).</li> <li><input checked="" type="checkbox"/> 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).</li> <li><input checked="" type="checkbox"/> 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).</li> <li><input type="checkbox"/> 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."</li> <li><input type="checkbox"/> 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).</li> <li><input type="checkbox"/> 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).</li> <li><input checked="" type="checkbox"/> 7. Other: Tables I &amp; II on pages 51 &amp; 52 contain entries with more than 4 amino acids (e.g., -GSGGSG-). Please re-check entire specification.</li> </ul> <p><b>Applicant Must Provide:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".</li> <li><input checked="" type="checkbox"/> An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification, as well as an amendment specifically directing its entry into the specification.</li> <li><input checked="" type="checkbox"/> A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).</li> </ul> <p>For questions regarding compliance to these requirements, please contact:</p> <p>For Rules Interpretation, call (571) 272-0951      PatentIn Software Program Support      To Purchase PatentIn Software.....703-306-2600</p> <p><b>PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY</b></p>			

**Exhibit B**

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05751 63711-A



PW

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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1 mo. 8/21/05  
 2 mo. 9/21/05  
 3 mo. 10/21/05  
 4 mo. 11/21/05  
 5 mo. 12/21/05  
 6 mo. 1/21/06 on

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EXAMINER

ART UNIT PAPER

7/18/2005

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

**Notice To Comply: Sequence Rules (Bonafide)**

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). Tables 1 and 2 on pages 51 and 52 contain entries with more than 4 amino acids (e.g., -GSGGSG-). Please also re-check the entire specification for compliance. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

**APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR 1.821 - 1.825.** Failure to comply with these requirements will result in **ABANDONMENT** of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

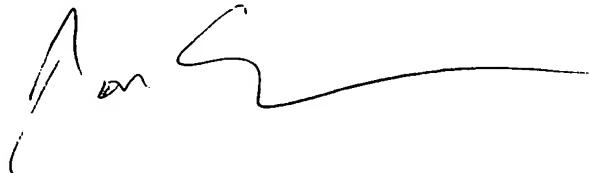
Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>>), EFS Submission User Manual - ePAVE)
2. Mailed to:  
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3. Hand Carried directly to the Customer Window at:  
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 Crystal Plaza Two  
 2011 South Clark Place  
 Arlington, Virginia 22202
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Box Sequence, Room 1B03-Mailroom  
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Arlington, Virginia 22202

Any inquiry concerning this communication should be directed to Jon D. Epperson whose telephone number is (571) 272-0808. The Examiner can normally be reached on Monday through Friday from 9 am to 6 pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Wang, can be reached at (571) 272-0811. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571) 272-1600.

Jon D. Epperson  
AU 1639

A handwritten signature in black ink, appearing to read "Jon D. Epperson".

**Exhibit C**

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